

### **REMARKS**

Applicants herein amend claims 1, 14, 26, and 32 for clarity. Such amendments are supported by the specification and claims as originally filed. Consideration of the application in view of the amendments and following remarks is respectfully solicited.

Applicants respectfully maintain that the finality of the October 18, 2006, Office Action was improper for failure to meet all requirements of MPEP 706.07(b), in particular, subparts (B)(1) and (B)(2). Further, the Examiner failed to address all arguments made by Applicants. However, to further prosecution, Applicants herewith file a Request for Continued Examination and this amendment to allow the Examiner to consider the amendments.

### **REJECTION UNDER §103(A)**

The Office Action rejects claims 1 and 10-14 under 35 U.S.C. §103(a) over Vallmajo et al. (US 6,791,723) in view of Meyer et al. (US 2002/0116278). The Office Action rejects claims 3-7, 9, 16-20, and 22-38 under 35 U.S.C. §103(a) over Vallmajo et al. in view of Meyer et al., and further in view of Redd et al. (US 6,646,754). The Office Action rejects claims 8 and 21 under 35 U.S.C. §103(a) over Vallmajo et al. in view of Meyer et al., and further in view of Liebenow (US 2002/0085840). For at least the following reasons, Applicants traverse each rejection.

Independent claims 1, 14, 26, and 32 claim that the identifier is generated for the *image bearing product(s)* selected, and is used to generate the selected image bearing product(s) using the image saved on the network from any of the networked kiosks.

As admitted by the Patent Office at page 2 of the Office Action, Vallmajo et al. is not relied upon for the teachings that an identifier is associated with an image bearing product. The Office Action states at page 2:

... regarding Applicant's argument that Vallmajo et al. do not disclose *generating an identifier associated with an image and image bearing product*, providing the identifier to a recipient, or using the identifier to access the image and

generate an image bearing product, *Vallmajo et al. is not relied upon for those teachings.* (Emphasis added.)

It is further stated at page 4 that “Vallmajo et al fail to specifically address an identifier associated with the image and image retrieval.” Associating an identifier with an *image bearing product* is not taught or suggested by Vallmajo et al., as admitted by the Patent Office. Further, Vallmajo et al. does not disclose or suggest generating a selected image bearing product using an identifier.

With regard to Mayer et al., it is admitted by the Patent Office at page 4 of the Office Action that:

Meyer et al. disclose generating an identifier *for the at least one image*, wherein the identifier includes information regarding the selected one or more image ...; using the identifier to retrieve the at least one image....

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include *an identifier for image retrieval* in order to preserve the images as suggested by Meyer et al. (par. 7) and provide a more secure means of accessing images as suggested by Meyer et al. (par. 21). (Emphasis added.)

and at page 5:

Meyer et al. disclose wherein the image is retrieved from *the network accessible location identified by the identifier* (code number, par. 21). (Emphasis added.)

and

**Regarding claim 14:** Arguments analogous to those stated in the rejection of claim 1 are applicable. In addition, storing the at least one image at a network accessible location ...; using the *identifier to retrieve the at least one image* ... and information regarding the selected one or more image ...; and using the retrieved at least one image to generate the selected one or more image bearing products .... (Emphasis added.)

As shown above by the statements of the Patent Office, Mayer et al. associates an “identifier” in the form of a code number with an image or network accessible location. The identifier is *not* associated with an image bearing product, and the identifier includes no information regarding desired products. As stated at paragraph 0021 of Mayer et al., cited by the Patent Office:

[0021] The transaction machine can also print out a receipt for the point-of-sale transaction (block 118). The receipt may provide identifying information about the digital images that were paid for. For example, the receipt may provide a list of the images and *a code number for each of the listed images*. The code number would make it easier and more secure for the customer to access the stored images from the remote site. (Emphasis added.)

Meyer et al. does not disclose or suggest associating an identifier with an image bearing product, or generating an image bearing product using the identifier, and therefore does not cure the deficiencies of Vallmajo et al.

None of the statements of the Patent Office demonstrate where in Vallmajo et al. or Meyer et al. an identifier associated with an *image bearing product* is disclosed or suggested. It is admitted by the Patent Office that Vallmajo et al. does not disclose generating an identifier associated with an image bearing product, and that only an identifier for an image or network location of an image is disclosed in Meyer et al. Thus, neither Vallmajo et al. nor Mayer et al., alone or in combination, disclose the features of the claimed invention.

Redd et al. is directed to a system of photo order management, and backprinting useful information for reordering on the back of the printed images. Redd et al. does not overcome the deficiencies of Vallmajo et al., Meyer et al., or any combination thereof because Redd et al. does not teach or suggest, and is not relied on by the Patent Office for, as admitted in the Advisory Action, associating an identifier with an image bearing product, or generating an image bearing product using the identifier.

The Patent Office asserts at page 11 of the Office Action that Liebenow is relied on for the teaching of sending a telephonic message. Liebenow does not overcome the deficiencies of Vallmajo et al., Meyer et al., or any combination thereof because Liebenow does not teach or suggest, and is not relied on by the Patent Office for, as admitted in the Advisory Action, associating an identifier with an image bearing product, or generating an image bearing product using the identifier.


For at least the reasons set forth above, none of the cited references of Vallmajo et al., Meyer et al., Redd et al., or Liebenow, taken alone or in any combination, teach, disclose, or suggest all of the features of the claimed invention,

particularly associating an identifier with an image bearing product, or generating an image bearing product using the identifier. Nowhere in the final Office Action or the Advisory Action is it indicated where either Vallmajo et al. or Meyer et al. teach or suggest associating an identifier with, or generating an identifier for, an ***image bearing product***. As admitted in the Advisory Action at pages 3 and 4, neither Redd et al. nor Liebenow were relied on by the Examiner for teaching an identifier associated with an image bearing product. A *prima facie* case of obviousness not having been established, reconsideration and withdrawal of each of the rejections are in order, and are respectfully requested.

For at least the above reasons, all of pending claims 1, 3-14, and 16-38 are in condition for allowance. Reconsideration and prompt action in the form of a Notice of Allowance are thus respectfully solicited.

Should the Examiner require anything further, the Examiner is invited to contact Applicants' undersigned representative.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kathleen Neuner Manne', is written over a horizontal line.

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**If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.**